



October 29, 2020

Via Electronic Comment Filing System (ECFS)

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

**Re: *Advanced Methods to Target and Eliminate Unlawful Robocalls*
 CG Docket No. 17-59**

Dear Ms. Dortch:

TCN, Inc. (“TCN”)¹ files this *ex parte* letter in the above-referenced docket to supplement the record regarding the Commission’s redress procedures for erroneously blocked calls.

The TRACED Act requires the Commission to promulgate rules by December 30, 2020 that establish a redress process for calling parties “adversely affected by the information provided by the call authentication frameworks.”² On July 17, 2020, the Commission took an important first step towards effectively fulfilling this obligation, establishing a high-level redress process requiring any voice service provider that blocks calls to “investigate and resolve . . . blocking disputes in a reasonable amount of time and at no cost to the caller, so long as the complaint is made in good faith.”³ As part of its continued efforts to “provide ‘transparency and effective redress for . . . callers,’” the Commission also sought comment on potential notification requirements.⁴

¹ Founded in 1999, TCN is a leading provider of cloud-based call center technology worldwide, serving a number of Fortune 500 companies and enterprises in multiple industries, including healthcare, education, automotive, politics, marketing, and collection. TCN combines a deep understanding of the needs of call center users with a highly affordable delivery model, ensuring immediate access to robust call center technology, including interactive voice response, call recording, and business analytics required to optimize operations and adhere to the Telephone Consumer Protection Act (“TCPA”).

² Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, 113 Stat. 3274, 3280 (2019) (“TRACED Act”).

³ *Advanced Methods to Target and Eliminate Unlawful Robocalls, et al.*, Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking, 35 FCC Rcd 7614, ¶ 55 (2020) (“*Call-Blocking Order and FNPRM*”).

⁴ *Id.* ¶ 107 (quoting TRACED Act § 10(b) (codified at 47 U.S.C. § 227(j)(1)(A)).

As explained below, voice service providers continue to block calls in large numbers and fail to notify callers when such calls are being blocked. The lack of notice diminishes the efficacy of the Commission's required redress mechanisms and, for callers uncertain why their call completion rates are unusually low, encourages overreporting of blocked calls. To align callers' and voice service providers' incentives in the fight against illegal calls, the Commission should adopt a blocked call notice requirement. Such notice could leverage existing technologies and processes to avoid imposing undue costs or other burdens on voice service providers. Finally, the Commission should create a good-faith presumption for service providers that implement Secure Telephone Identity Revisited ("STIR") and Signature-based Handling of Asserted Information Using toKENs ("SHAKEN") that their authenticated calls will not be blocked. Doing so would encourage wider adoption of STIR/SHAKEN and thereby assist the Commission's efforts to combat illegal calls.

Simply put, "the steps already laid out for potential redress are mere window dressing if callers continue to lack actual notice that their calls are being blocked."⁵ When the Commission released the *Call-Blocking Order and FNPRM*, Commissioner O'Rielly highlighted how parties had "rightfully argue[d]" that notice was among the "most critical [pieces] in establishing effective redress."⁶ Since then, commenters have overwhelmingly reinforced that a notification requirement constitutes good common sense and have specifically advocated for use of a Session Initiation Protocol ("SIP") code.⁷

The lack of a basic notice requirement when parties' calls are blocked introduces unnecessary inefficiencies into the redress process and, by extension, will prevent the Commission from meeting its obligations under the TRACED Act to provide effective redress for erroneously

⁵ Reply Comments of the National Opinion Research Center, CG Docket No. 17-59, at 2 (Sept. 29, 2020).

⁶ *Call-Blocking Order and FNPRM*, Statement of Commissioner Michael O'Rielly, 35 FCC Rcd at 7680.

⁷ See Comments of the Cloud Communications Alliance, CG Docket No. 17-59, at 6-7 (Aug. 31, 2020) (urging the Commission to encourage the IETF to promptly finalize standards for the proposed 608 response code specification); Comments of INCOMPAS, CG Docket No. 17-59, at 12 (Aug. 31, 2020) (urging adoption of cause codes such as the RFC8688/608 (Rejected) SIP response codes, across IP networks to provide greater certainty, transparency and notice); Comments of Noble Systems Corporation, CG Docket No. 17-59, at 8 (Aug. 31, 2020) (suggesting that the notice be provided via an intercept announcement and/or a SIP error code); Comments of Professional Association for Customer Engagement, CG Docket No. 17-59, at 3 (Aug. 31, 2020) (suggesting that notification should consist of "a clear and specific real-time indicator" of a block including both "an audio intercept and a SIP error code to the caller"); Comments of RingCentral, Inc., CG Docket No. 17-59, at 4-5 (Aug. 31, 2020) (supporting use of a SIP or TDM error code to accomplish immediate notification of a blocked call); Comments of Telnyx LLC, CG Docket No. 17-59, at 2 (Aug. 31, 2020) (proposing use of SIP code 608 for notification of blocked IP calls and noting that further industry discussion is required for handling of blocked TDM calls); Comments of Twilio Inc., CG Docket No. 17-59, at 5 (Aug. 31, 2020) (supporting a mandate to use intercept codes like SIP codes); Comments of the Voice on the Net Coalition, CG Docket No. 17-59, at 2-3 (Aug. 31, 2020) (supporting use of SIP code 608 for blocked IP calls, and arguing that the notification should be sent upon blocking); Reply Comments of Securus Technologies, LLC, CG Docket No. 17-59, at 9-10 (Sept. 29, 2020) ("[T]he Commission should heed the calls for effective remedial measures," including "requiring prompt notice of call blocks using SIP/ISUP response codes.").

blocked calls. Uncertain whether their lawful calls are being completed, legitimate callers are currently incentivized to report potential blocking based partially on speculation, including for example when call completion rates are lower than normal, increasing the likelihood that voice service providers will waste internal resources investigating whether a particular caller has been erroneously blocked.

This problem is not strictly theoretical. Industry-wide, voice service providers continue to erroneously block lawful calls in high percentages. For example, in one study filed with the Commission, voice service providers blocked more than twenty-one percent of lawful calls subject to the study.⁸ While the Commission has highlighted how some voice service providers already provide real-time notification via “intercept announcements,” these providers remain the minority.⁹ Furthermore, an intercept announcement typically amounts to nothing more than a basic audio recording, which prevents callers from relying on software to detect inadvertent blocking and thus complicates efforts to efficiently provide effective redress.

A basic, flexible notice requirement that draws from existing technical frameworks would efficiently rectify this issue, creating much-needed certainty for callers and preempting unnecessary reports to voice service providers about erroneously blocked calls. The use of a SIP code is one such possibility. To date, the industry has implemented dozens of SIP codes,¹⁰ with the most recent being added in December 2019.¹¹ SIP codes are robust and have evolved with the proliferation of IP networks to meet new needs and requirements. The technical implementation steps would be trivial in context. In software-based network systems (*e.g.*, Asterisk, Kamilio), implementing a SIP code for a blocked call would likely constitute a one-line configuration change. In switch-based systems (*e.g.*, Sonus), extensive SIP code configuration and mapping is supported. To the extent implementation is not already possible for switching systems, adding the capability would similarly be trivial. In short, a SIP notification requirement would efficiently leverage the industry’s past experience while simultaneously ensuring that the Commission’s adopted requirements serve all stakeholders.

Finally, vendors that fully implement STIR/SHAKEN to accommodate call authentication and combat illegal calls should benefit from a good-faith presumption that, if their customers’ authenticated calls are blocked, the calls have been *erroneously* blocked. This presumption

⁸ See Number Sentry Calling Number Solutions, *Accounts Receivable Management Outbound Calling Study*, at 2 (Feb. 2020) (showing that 21.3% of lawful calls subject to the study were blocked by mobile and wireline networks), attached to Reply Comments of ACA International, CG Docket No. 17-59, WC Docket No. 17-97 (Feb. 28, 2020).

⁹ See Federal Communications Commission, Consumer and Governmental Affairs Bureau, *Call Blocking Tools Now Substantially Available to Consumers: Report on Call Blocking*, CG Docket No. 17-59, at 28 (June 2020) (identifying voice service providers that “use an intercept announcement for calls that are blocked”).

¹⁰ See Network Working Group, Internet Engineering Task Force, RFC 3261, *SIP: Session Initiation Protocol*, at 182-92 (June 2002), <https://tools.ietf.org/html/rfc3261>.

¹¹ See E.W. Burger and B. Nagda, Internet Engineering Task Force, RFC 8688, *A Session Initiation Protocol (SIP) Response Code for Rejected Calls* (Dec. 2019), <https://tools.ietf.org/html/rfc8688>.

would incentivize wider adoption of STIR/SHAKEN and, by extension, aid in the Commission's efforts to combat illegal calls. Furthermore, the presumption would work hand-in-hand with the Commission's other redress requirements to reinforce that all stakeholders – callers, called parties, and voice service providers – have a vested interest in eradicating illegal calls.

Sincerely,

/s/ Jesse Bird

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